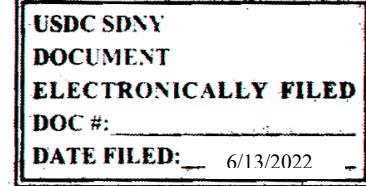


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PANTHEON PROPERTIES, INC., et al.,

Plaintiffs,

20-CV-03241 (ALC)(SN)

-against-

ORDER

JOHNATHEN HOUSTON, et al.,

Defendants.

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SARAH NETBURN, United States Magistrate Judge:

On March 28, 2022, the Court held that Defendant Johnathen Houston's conduct during his first and second depositions "obstructed the discovery process." ECF No. 99 (Opinion & Order re: Motion for Sanctions) at 8. Pursuant to the Court's inherent authority, it awarded fees incurred because of these abuses. The Court authorized fees for ten hours of attorney time or, in the alternative, Plaintiffs could file a motion for fees. Plaintiffs elected to file a motion and seek fees for 63 hours of attorney and paralegal time.

The Court finds that the hourly rates requested are reasonable. But the number of hours sought is not. Of the 63 hours requested, 19.55 are for preparation of Houston's first deposition. As no abuse had occurred at this time, fees for this work are not appropriate. Plaintiffs additionally seek approximately 18 hours for attorney time spent preparing for Houston's second deposition. Although the second deposition was occasioned by Houston's conduct, the Court declines to award fees for what is essentially trial preparation. The Court, however, accepts that the depositions themselves were largely a waste of time and therefore awards 6.6 hours requested

for the first deposition and 3.6 hours requested for the second deposition. Attorney Erin O'Leary is awarded her requested rate of \$330/hour, for a total award of \$3,366.00.

Work on Plaintiffs' sanction motion appears to have begun in between the depositions, with associate Scott Wenzel conducting 1.2 hours of legal research on December 23, 2020. Plaintiffs filed a pre-motion letter on April 12, 2021, and seek approximately 3.8 hours preparing that letter motion. Plaintiffs seek approximately 17.05 attorney hours drafting its sanctions motion, although the Court recognizes that the actual hours worked are alleged to have been nearly double that amount. Accordingly, the Plaintiffs seek a total of 22.05 hours for attorney time working on the sanctions motion. Given Plaintiffs' reductions and the work product submitted to the Court, I find that this amount is reasonable. I authorize one hour of paralegal time for the preparation of the court filing at the requested rate of \$165.

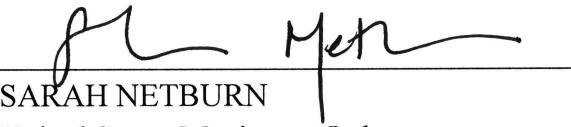
CONCLUSION

The Court awards Plaintiffs:

1. **\$3,366.00** for 10.2 hours for the two depositions of Houston by Attorney O'Leary at her requested rate of \$330/hour.
2. **\$7,126.50** for five hours of legal research and drafting by Attorney Wenzel at \$300/hour, and 17.05 hours of legal research and drafting by Attorney O'Leary.
3. **\$165.00** for one hour of work by paralegal Laura Hoefel.

Defendants are ORDERED to pay **\$10,657.50** to Plaintiffs forthwith. The Clerk of Court is respectfully requested to terminate the motion at ECF No. 100.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: June 13, 2022
New York, New York